

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

<u>Joan Charles,</u>	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	
	)	C.A. No. 04-11625-RWZ
<i>Ocwen Federal Bank, FSB;</i>	)	
<i>Ocwen Financial Corporation;</i>	)	
<i>Massachusetts Property Insurance</i>	)	
<i>Underwriting Association and One Call</i>	)	
<i>Insurance Agency, Inc.</i>	)	
<u>Defendants.</u>	)	

**PLAINTIFF, JOAN CHARLES' EMERGENCY MOTION TO COMPEL DISCOVERY  
AND FOR SANCTIONS AND COSTS AGAINST OCWEN FINANCIAL LLC,  
SUCCESSOR IN INTEREST TO OCWEN FEDERAL BANK, FSB**

NOW COMES the plaintiff in this action, Joan Charles (hereinafter "Plaintiff"), by and through her counsel, James Hoyt, Portnoy & Greene, P.C., and hereby moves this Honorable Court to Compel discovery and for sanctions and fees against defendant Ocwen Financial LLC, successor in interest to Ocwen Federal Bank, FSB ("Ocwen").

In support of this motion, Plaintiff states that she noticed the depositions of the person most knowledgeable of Ocwen for 10:00 a.m, Tuesday, October 17, 2006. Ocwen filed an emergency motion for a protective order and Plaintiff opposed such motion. As of the time scheduled for said depositions, the court had not quashed or otherwise issued a protective order regarding said deposition. Neither deponent nor counsel appeared at the deposition.

Plaintiff avers that the defendant's effort to prevent their deposition would create unfair advantage in the presentation of summary judgment arguments. Plaintiff incorporates herein by reference her opposition to defendant's Emergency Motion for a Protective Order regarding the subject deposition. In any event, the Court had not granted defendants their requested relief and their failure to attend was therefore in violation of the relevant discovery rules. It is the

understanding of counsel that subject to the Court's orders to the contrary, simply not attending is not an appropriate course of action.

WHEREFORE, Plaintiff requests the following relief:

1. An order compelling the requested discovery;
2. that sanctions and costs, including court reporter fees and attorneys fees, be awarded to Plaintiff; and
3. an order allowing Plaintiff reasonable time, after the conduct of the depositions of all defendants, to submit her oppositions to the various Summary Judgment motions filed by defendants.

Respectfully Submitted,  
The Plaintiff,  
Joan Charles,  
By her Attorney,

s/ James Hoyt  
James Hoyt (BBO # 644651)  
Portnoy & Greene, P.C.  
Attorney for Plaintiff  
687 Highland Ave.  
Needham, MA 02494  
(781) 644-6050

Dated: October 18, 2006

**CERTIFICATE OF SERVICE**

I, James Hoyt, hereby certify that a copy of the forgoing Motion was served on even date with the filing hereof, October 18, 2006 via the Court's ECF system to:

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s/ James Hoyt  
James Hoyt